

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 12-25 are pending. Claims 12, 16, 18, 21, and 23 are amended by the present amendment. New Claims 26-30 are added by the present amendment. Support for these amendments and the new claims is found at least in the originally filed Specification at least at page 4, lines 12-14, page 10, line 21 to page 11, line 4, page 8, lines 13-20, page 9, lines 5-18, and Figures 2, 3A, and 3B.

The outstanding Office Action rejects Claims 12, 14-16, and 21 under 35 U.S.C. § 102(e) as anticipated by Park (U.S. Patent No. RE37,052); rejects Claims 18-20 and 23-25 under 35 U.S.C. § 103(a) as unpatentable over Park in view of Cloutier, et al. (U.S. Patent No. 5,847,771, herein "Cloutier") and further in view of Tamada, et al. (U.S. Patent No. 5,729,717, herein "Tamada"); rejects Claims 13, 17, and 22 under 35 U.S.C. § 103(a) as unpatentable over Park in view of Cloutier; and indicated that the IDS mailed on June, 20, 2000 was not able to be found.

Initially, Applicants note that the Information Disclosure Statement filed June 20, 2000 has not been acknowledged. Applicants respectfully request that the Examiner consider the two U.S. patents listed on the PTO Form 1449 and indicate that they were considered by making appropriate notations on the attached form. Filed with this amendment are copies of the United States Patent and Trademark Office Filing Receipt dated June 23, 2003 and proof of the certified mailing dated June, 20, 2005.

Applicants thank Examiner Onuaku for the interview granted Applicants' representatives on December 30, 2005. During the interview, the differences between the claimed invention and Park were discussed. More specifically, acknowledgment was made that the claimed invention was able to detect control data without having to demultiplex

information data. Examiner Onuaku indicated that the making of amendments to distinguish Park would require further search and consideration.

Rejection of Claims 12, 14-16, and 21 under 35 U.S.C. § 102(e)

In regard to the rejection of Claims 12, 14-16, and 21 under 35 U.S.C. § 102(e) as anticipated by Park, Applicants respectfully traverse the rejection with respect to the amended independent Claims 12, 16, and 21 and claims dependent therefrom for the following reasons.

To establish anticipation of Claims 12, 14-16, and 21 under 35 U.S.C. § 102(e), the outstanding Office Action must show that each and every feature recited in amended Claims 12, 14-16, and 21 is either explicitly disclosed or necessarily present in Park.¹

Amended Claim 12 recites detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal to be inputted to the digital recording apparatus. Amended Claims 16, 18, 21 and 23 also cover this feature.

Applicants respectfully submit that Park does not disclose or suggest detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal to be inputted to the digital recording apparatus.

In Park, in order to detect whether the digital recording apparatus performs processing in compliance with the copyright protection information, Park describes detecting a marker from transmitted bit strips.² Further, Park describes that marker detection steps include demultiplexing the transmitted bit strips³ which are part of the audio and video signal.⁴ The copyright protection information in Park is coded within the audio and video bit strips.⁵ Park describes that the transmitted bit strips consist of a transport packet with a transport

¹ See MPEP § 2131.

² Park, Col. 2, lines 21-30.

³ Park, Col. 5, lines 18-26.

⁴ Park, Col. 5, lines 26-29, Col. 8, lines 36-43, and Fig. 3.

⁵ Park, Col. 5, lines 26-29, Col. 8, lines 36-43, and Fig. 3.]

private data field consisting of an ID field and the encrypted marker.⁶ In other words, the transport layer is used by Park for encrypting and decrypting the marker. Therefore, in Park there is no way of omitting reception of the data. The invention of Claim 12 enables data to be omitted if the header in the link layer prevents reception of the data by detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal to be inputted to the digital recording apparatus. Therefore Park, does not disclose or suggest detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal to be inputted to the digital recording apparatus, as recited in Claim 12.

Accordingly, Applicants submit that amended Claim 12 is patentable and the rejection of Claim 12 under 35 U.S.C. § 102(e) should be withdrawn. Independent Claims 16 and 21, although of different scope and/or statutory class, include features similar to those in Claim 12 discussed above. Claims 14 and 15 depend from Claim 12. Thus, Applicants respectfully request that the rejection of Claims 12, 14-16, and 21 under 35 U.S.C. § 102(e) be withdrawn as well.

Rejection of Claims 18-20 and 23-25 under 35 U.S.C. § 103(a)

In regard to the rejection of Claims 18-20 and 23-25 under 35 U.S.C. § 103(a) as unpatentable over Park in view of Cloutier and further in view of Tamada, Applicants respectfully traverse the rejection for the following reasons.

Claim 18, although of different scope and/or statutory class, includes features similar to those in Claim 12 discussed above. Accordingly, as discussed above with respect to Claim 12, Park does not teach or suggest each and every element recited in Claim 18. For example, Park does not teach or suggest at least means for detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal

⁶ Park, Col. 5, line 66 to Col. 6, line 11.

inputted through the digital interface, as recited in Claim 18. Neither Cloutier nor Tamada cures the deficiencies of Park in this regard.

Accordingly, Applicants submit that Claim 18 is patentable and the rejection of Claim 18 under 35 U.S.C. § 103(a) should be withdrawn. Independent Claim 23, although of different scope and/or statutory class, includes features similar to those in Claim 18 discussed above. Claims 19, 20, 24, and 25 depend from Claim 18 or 23. Thus, Applicants respectfully request that the rejection of Claims 18-20 and 23-25 under 35 U.S.C. § 103(a) be withdrawn as well.

Rejection of Claims 13, 17, and 22 under 35 U.S.C. § 103(a)

In regard to the rejection of Claims 13, 17, and 22 under 35 U.S.C. § 103(a) as unpatentable over Park in view of Cloutier, Applicants respectfully traverse the rejection for the following reasons.

Claims 13, 17, and 22 depend from Claim 12, 16, or 21. As discussed above with respect to Claims 12, 16, or 21, Park does not teach or suggest each and every element recited in Claims 12, 16, or 21. For example, Park does not teach or suggest at least detecting copyright protection information, at a link layer, provided in a transmission header of a transmission frame of a digital signal to be inputted to the digital recording apparatus, as recited in Claim 12 and as similarly recited in Claims 16 and 21. Cloutier does not cure the deficiencies of Park in this regard.

In view of the failure of Park and Cloutier to teach or suggest all features of Claims 12, 16, and 21, Applicants respectfully submit that Park in view of Cloutier does not render Claims 12, 16, and 21 obvious under 35 U.S.C. § 103(a). Since Claims 13, 17, and 22 depend on Claim 12, 16, or 21, Applicants respectfully request that the rejection of Claims 13, 17, and 22 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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